UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/72/L/CZE
26 April 2001

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Seventy-second session

LIST OF ISSUES, ADOPTED BY THE HUMAN RIGHTS COMMITTEE ON 5 APRIL 2001, TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF THE CZECH REPUBLIC (CCPR/C/CZE/2000/1)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide information on the articles of the Charter of Fundamental Rights and Freedoms which still require further legislative measures to be fully effective, as well as on any specific measures already taken or envisaged to fill this legislative gap (see para. 15).

2. Please provide information on the progress made, since the submission of the report, with respect to the full implementation of the Committee's Views under the Optional Protocol, particularly with regard to Communications Nos. 516/1992 and 586/1994 (para. 400).

3. Please elaborate further on the precise functions and powers of the newly established Ombudsman office (para. 22). Please also clarify the powers of the new Commissioner for Human Rights (para. 48).

Non-discrimination, equality between the sexes, rights of persons belonging to minorities, rights of the child (arts. 2 (1), 3, 24, 26 and 27)

4. What measures have been taken to overcome problems with regard to protection against racial discrimination identified in paragraph 393 of the report, in practice as well as in law, particularly with respect to the Roma minority? Please provide further information regarding measures to prevent discrimination in relation to employment, education, health care, housing, penitentiaries, restitution of property and social programmes.

5. Please comment on the extent of the recent resurgence of racist activities, particularly violence and harassment by skinheads towards the Roma minority, and allegations of failure on the part of the police and judicial authorities to investigate and prosecute hate crimes? What measures are envisaged by the State party to combat and sanction any acts of harassment and discrimination of the Roma by the police?

6. What concrete achievements have resulted from the plan of action entitled "Concepts of governmental policy with respect to members of the Roma community", adopted in April 1999, with a view to facilitating their integration into society (see para. 410)? What are the activities undertaken by the Inter-Ministerial Commission for Roma Community Issues? Has the State party envisaged taking any affirmative steps for the purpose of promoting the representation of the Roma minority in public life?

7. What specific steps have been taken to overcome problems concerning the placement of pupils in special schools, as indicated in paragraph 372 of the report, particularly with regard to Roma children? Have there been any concrete results?

8. Please provide updated information on the number and proportion of persons belonging to minorities, particularly the Roma, Slovak, German, Polish, Hungarian and Ukrainian minorities, participating in political and public affairs, including the public service and in economic life. What is the present situation in respect of the implementation of article 25 of the Charter, specifically the preparation of a law on national minorities (see para. 415 of the report)?

9. What measures have been taken, or are envisaged, to enhance the participation of women in public life, particularly in the political sphere and in public service (Parliament and government), as well as in the economic sector, especially at senior levels (paras. 96-97)?

10. What measures have been adopted to provide legal remedies in cases of discrimination against women?

11. Please indicate measures, existing and proposed, to combat and eliminate violence against women, including domestic violence, both as a matter of special legislation and in practice. Please advise on the measures taken to increase public awareness of these issues and assistance available to victims.

Right to life, treatment of prisoners and other detainees, liberty and security of the person, expulsion of aliens and the right to a fair trial (arts. 6, 7, 9, 10, 13 and 14)

12. In view of the fact that capital punishment was abolished in 1990 in the then-Czechoslovakia, is the State party prepared to accede to the Second Optional Protocol?

13. Have any investigations been undertaken into allegations of the use of excessive force by law enforcement officials during demonstrations, with particular reference to the events during the International Monetary Fund/World Bank meeting in September 2000 in Prague, as well as with regard to alleged instances of cruel, inhuman and degrading treatment of persons detained as a result of those events. If so, what have been the results?

14. Has the new Police Act been adopted since the submission of the report? Has any statutory police complaints authority been established and if so, what are its powers? Please provide information on the extent to which the Police Act addresses the issues of improving existing inspection mechanisms, as well as promoting guarantees for citizens against any unjustified encroachment on their personal freedoms, and clarify the rights of detained persons to contact their relatives, a lawyer and a doctor, and obtain written information about their rights (para. 128)?

15. What measures has the State party taken to address instances of discrimination against aliens in respect of:

(a) Action by State attorneys and judges with regard to the placing in custody of aliens accused of an offence (para. 185);

(b) Prolonged custody on police premises of foreigners awaiting expulsion and conditions in detention cells (para. 235).

16. Please provide information on measures taken to overcome overcrowding of detention facilities.

17. What measures have been taken by the authorities to establish a system of external (civilian) monitoring of prisons as well as all other institutions where persons are detained against their will, i.e. psychiatric institutions, reform schools, custody before expulsion, military prisons and places of police custody (para. 211 and footnote 35). Why was the earlier provision for external control repealed (para. 211 of the report)?

18. Concerning allegations of lengthy pre-trial detention as set out in paragraph 196 of the report, what measures have been taken to remedy the cases which the Constitutional Court considered violated the Covenant and to address the causes of these violations?

19. Please provide details on the provisions of the amendment to the Code on Criminal Procedure which is intended to simplify and speed up criminal proceedings and thus eliminate undue delays in judicial proceedings (para. 267).

Elimination of slavery and servitude (art. 8)

20. Please provide information and any available statistics about the trafficking of women and girls for the purpose of prostitution. What measures has the State party taken to combat these practices in its territory?

Freedom of religion and conscience (art. 18)

21. Given the content of paragraph 317 of the report, please clarify what the State party understands by "sects considered obscure and dangerous", and comment on the links between sects and "extremism".

Freedom of opinion and expression and the right to receive information (art. 19)

22. How is the freedom of the print and electronic media guaranteed in practice? What measures have been taken to ensure the independence from political pressure of the Czech State Television (CT)?

Access to the civil service (art. 25)

23. With regard to the restraints on the possibility of entering the civil service of the Czech Republic under equal conditions, what is the current status of the "Screening Act" (para. 391 of the report)?

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

24. Please indicate the steps taken to disseminate information on the submission of this initial report and to hold consultations with concerned members of civil society in the preparatory process?

25. What programmes exist to train the judiciary to uphold the rights contained in the Covenant?

26. Please provide information on training and education on the Covenant and the Optional Protocol procedure provided to public officials, in particular law enforcement and prison officials. Please also indicate the steps taken to increase awareness and understanding of the Covenant and the Optional Protocol procedure amongst the general public, including ethnic and linguistic minorities.